

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

MARCUS A. WORTHY,

Plaintiff,

v.

**CITY OF BUFFALO, COREY KRUG,
WILLIAM MACY, THOMAS HERBERT,
JOSEPH PASKIEWICZ, MELINDA JONES
and BRIAN STROBELE**

Defendants.

**STIPULATION OF SETTLEMENT
AND ORDER OF DISMISSAL**

Civil Action No.: 11-cv-0872

WHEREAS, Plaintiff, MARCUS A. WORTHY ("Plaintiff"), filed a Complaint in United States District Court, Western District of New York, on October 18, 2011 (Dkt. No. 1), alleging that the Defendants, CITY OF BUFFALO, COREY KRUG, WILLIAM MACY, THOMAS HERBERT, JOSEPH PASKIEWICZ, MELINDA JONES, and BRIAN STROBELE (hereinafter "Defendants") had violated his constitutional, statutory, and/or civil rights in connection with an incident occurring on August 29, 2010, and

WHEREAS, the parties are interested in resolving all of the issues alleged against the Defendants in the Complaint in this action and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the above-captioned action are an infant or incompetent person; and

WHEREAS, the Plaintiff and Defendants in the above-captioned matter are desirous of discontinuing the litigation;

IT IS HEREBY STIPULATED AND AGREED by and between the above-captioned parties, including Plaintiff and Defendants and/or their respective counsel as follows:

1. The parties hereby agree that the above-captioned action is dismissed and discontinued with prejudice as to all claims against the Defendants pursuant to Rule 41(a) of the Federal Rule of Civil Procedure, subject to a motion to reopen the same, should the approval specified in paragraph #6 below not occur.

2. Any and all of the claims for damages by Plaintiff against the Defendants which are the subject of this action or otherwise arise out of any of the incidents alleged in the Complaint are hereby settled for a sum of United States Dollars in full satisfaction of all claims for damages, including all injuries, fees, expenses, losses, or costs, disbursements, and legal/attorney's fees.

3. The payment recited in paragraph #2 hereinabove shall be drawn as follows: a check to the order of Andrew B. Stoll, Esq., Stoll, Glickman & Bellina, LLP as attorneys for the Plaintiff, MARCUS WORTHY, mailed to his attorney, Andrew B. Stoll, Esq. at 300 Cadman Plaza West, 12th Floor, Brooklyn, NY 11201.

4. In consideration of the payment recited in paragraph #2 hereinabove, the Plaintiff agrees to execute the release of the Defendants.

5. The Defendants deny any liability or wrongdoing of any kind associated with the claims alleged in the Complaint of Plaintiff and nothing in this So-Ordered Stipulation of Settlement shall be construed as an acknowledgment, admission, concession, or evidence of liability whatsoever by the Defendants, CITY OF BUFFALO, COREY KRUG, WILLIAM MACY, THOMAS HERBERT, JOSEPH PASKIEWICZ,

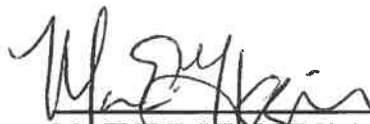
MELINDA JONES, and BRIAN STROBELE, or any officer, agent, or employee thereof, regarding any of the allegations made by the Plaintiff in his Complaint herein or that the Plaintiff's rights under any federal, state, or local law, including but not limited to, the Federal or New York State Constitutions or Statutes, had been violated.

6. Payment recited in paragraph #2 hereinabove is subject to and conditioned upon the approval of the Common Council of the City of Buffalo.

7. This Stipulation of Settlement and any Order entered thereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose, except in an action or proceeding to enforce this Stipulation of Settlement.

8. Subject to the approval recited in paragraph #6 hereinabove, the payment recited in paragraph #2 will be made within ninety (90) days after the approval and entry of this So-Ordered Stipulation of Settlement and Order of Dismissal by the Court.

9. This Stipulation of Settlement embodies the entire agreement of the parties in this matter.




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Dated: FEBRUARY 26, 2020



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Dated: February 26, 2020

ALL OF THE ABOVE IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
United States District Court Judge

Dated: Feb. 27, 2020